

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-187133

DATE: August 17, 1976

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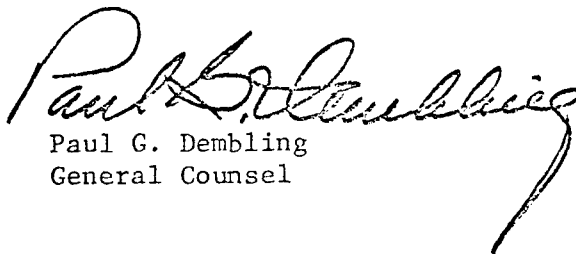
MATTER OF: Energy Resources Co., Inc.

DIGEST:

Protest alleging solicitation was ambiguous first filed after closing date for receipt of initial proposals is untimely and not for consideration.

On August 6, 1976, Energy Resources Company, Inc. protested Environmental Protection Agency (EPA) solicitation WA-76-B167 on the ground that it was so ambiguous as to be defective.

Section 20.2(b)(1) of our Bid Protest Procedures, 4 CFR 20.2 (b)(1) (1976), requires that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals shall be filed prior to the closing date for receipt of initial proposals. In this connection, we were advised by EPA that July 12, 1976 was the closing date set for receipt of initial proposals. The protest, however, was not received at this Office until August 6, 1976. We believe that it would be unfair to those other offerors who participated in good faith in the procurement to have their offers rejected after submission because of an alleged defect in the solicitation which was certainly apparent to the protester long before the closing date for receipt of initial proposals. Accordingly, the protest is dismissed as untimely.


Paul G. Dembling
General Counsel